

Remarks

Claims 72 – 74, 77 – 80, 84, 87 – 95, 97, 103, and 106 – 114 are pending. Claims 72 – 74, 77 – 80, 84, 87 – 95, 97, 103, and 106 – 114 are presently rejected. Claim 72 has been amended. Applicants respectfully submit that this Response is responsive. Reconsideration of the claims in view of the following remarks is respectfully requested.

35 U.S.C. §102 Rejection

Claims 72 – 74, 77 – 79, 103, 106, and 107 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 09-047550, (“Ugawa”).

Independent claim 72 has been amended.

Claim 72, as now amended, is directed to a gaming console for playing a base game. A display of the console, in response to a random event related to a bet amount placed, periodically displays a visual character to communicate information. The visual character ceases to appear on the display when a rate of activities of the gaming console drops below a threshold.

Ugawa does not anticipate claim 72, as now amended.

Applicants also respectfully submit that Ugawa does not anticipate presently amended claim 72, nor does it render presently amended claim 72 obvious. For example, Ugawa does not disclose any character that ceases to appear, let alone a visual character that ceases to appear in response to a rate of activities carried out on the gaming console that falls below a threshold.

Rather, Ugawa at best discloses the “triggering of the appearance of the character is clearly associated with a function or feature selected from a plurality of functions or features associated with the game console (i.e. the triggering is random and the triggering is commensurate with a specific outcome within the game).” See page 5 of Action.

Therefore, claim 72 is allowable.

Claims 73 – 75, 77 – 79, 102, 103, 106, 107 depend from claim 72 therefore include patentable subject matter, and are allowable for at least the same reasons set forth above.

35 U.S.C. §103 Rejection

Claims 80, 84, 87 – 95, 97, and 108 – 114 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ugawa.

As discussed above, claim 72 is not obvious in view of Ugawa.

Particularly, Ugawa discloses the “triggering of the appearance of the character is clearly associated with a function or feature selected from a plurality of functions or features associated with the game console (i.e. the triggering is random and the triggering is commensurate with a specific outcome within the game).” See page 5 of Action. Thus, Ugawa only needs to determine if a winning situation such as a “great success” is to occur. There is no need for Ugawa to log any rate of activities, let alone any rate of activities carried out based on a gaming console.

Therefore, claim 72 is not obvious in view of Ugawa, and is allowable.

Claims 80, 84, 87 – 95, 97, and 108 – 114 depend from claim 72. Therefore, claims 80, 84, 87 – 95, 97, and 108 – 114 are also allowable for at least the same reasons as set forth above with respect to claim 72.

Conclusion

Applicants respectfully submit that the remaining pending claims are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicants' Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation.

Respectfully submitted,

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